

treaty in question. Indeed, at least with respect to foreign states or their agents and instrumentalities, subject-matter jurisdiction only can arise under the Foreign Sovereign Immunities Act, 28 U.S.C. 1602 *et seq.* *Argentine Republic v. Amerada Hess Shipping Corp.*, 488 U.S. 428, 434 (2014). Plaintiffs have cited no applicable exception under the FSIA, *see* 28 U.S.C. §§ 1605(a), 1605A, to the general presumption in favor of immunity of a foreign sovereign, and the court can discern none from their pleading. Plaintiffs' Complaint therefore is "patently insubstantial, presenting no federal question suitable for decision." *Tooley v. Napolitano*, 586 F.3d 1006, 1009 (D.C. Cir. 2009) (internal quotation marks omitted). Accordingly, the court sua sponte dismisses this matter for lack of subject matter jurisdiction. *See Evans v. Suter*, No. 09-5242, 2010 WL 1632902, at *1 (D.C. Cir. 2010) (per curiam) ("[A] district court may dismiss a complaint sua sponte prior to service on the defendants pursuant to Fed. R. Civ. P. 12(h)(3) when, as here, it is evident that the court lacks subject-matter jurisdiction.").

An Order consistent with this Memorandum Opinion is issued separately.

Dated: November 30, 2017



Amit P. Mehta
United States District Judge